

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
ANTHONY BATTALLIO	:	Violations:
a/k/a "Poppy"	:	21 U.S.C. § 841(a)(1)
	:	(Possession of cocaine base with
	:	the intent to distribute - 1 count)
	:	18 U.S.C. § 924(c)(1)
	:	(Carrying a firearm in relation to a
	:	drug trafficking offense - 1 count)
	:	Notice of Forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about November 15, 2001, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

ANTHONY BATTALLIO,
a/k/a "Poppy"

knowingly and intentionally possessed with intent to distribute more than 50 grams, that is
approximately 174 grams, of a mixture or substance containing a detectable amount of cocaine
base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 15, 2001, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

ANTHONY BATTALLIO,
a/k/a "Poppy"

knowingly possessed a firearm, that is, one loaded Ruger .45 caliber handgun, Model # P97DC,
Serial # 663-33621, in furtherance of a drug trafficking crime for which he may be prosecuted in a
court of the United States, that is, possession with the intent to distribute cocaine base ("crack")
as charged in Count One of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

NOTICE OF FORFEITURE

1. As a result of the violation of Title 21, United States Code, Section 841(a)(1) set forth in Count One of this Indictment, defendant

ANTHONY BATTALLIO,
a/k/a "Poppy"

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation of Title 21, United States Code, as charged in this Indictment, including, but not limited to:

(1) One Ruger .45 caliber handgun, Model #P97DC, Serial #663-33621;

(2) One magazine loaded with nine live rounds of ammunition;
and

(3) One magazine loaded with six live rounds of ammunition;

(b) any property constituting, or derived from, any proceeds obtained directly or indirectly as the result of the violation of Title 21, United States Code, as charged in this Indictment.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third party;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided
without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to
seek forfeiture of any other property of the defendant up to the value of the property subject to
forfeiture.

All pursuant to Title 21, United States Code, Section 853.

NOTICE OF FORFEITURE

1. As a result of the violation of Title 18, United States Code, Section 924(c)(1) set forth in Count Two of this Indictment, defendant

ANTHONY BATTALLIO,
a/k/a "Poppy"

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearm and ammunition involved in the commission of this offense, including, but not limited to:

- (a) One Ruger .45 caliber handgun, Model #P97DC, Serial #663-33621;
- (b) One magazine loaded with nine live rounds of ammunition;
and
- (c) One magazine loaded with six live rounds of ammunition.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to

forfeiture.

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney